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Beyond Compliance

Do you remember the “Beyond Compliance” initiative first published by the Federal Motor Carrier Safety Administration (FMCSA) in 2016? Well, it’s not likely many will remember because this program has been lying pretty much dormant since then. The FAST Act of 2015 (Fixing America’s Surface Transportation Act) mandated that FMCSA allow recognition, including credit or an improved Safety Measurement System percentile, for motor carriers that:

- Install advanced safety equipment
- Use enhanced driver fitness measures
- Adopt fleet safety management tools, technologies, and programs
- Satisfy other standards determined appropriate by the Administrator
- Technologies that are mandatory, such as ELDs, would not qualify

FMCSA is seeking input from stakeholders through a study that will complete the following three objectives:

- Identify high-performing carriers in terms of safety performance.
- Determine the safety technologies, programs, and policies employed by these carriers.
- Gauge the relative effectiveness of those safety technologies, programs, and policies based on the expert opinion and performance metrics of the high performing carriers.

The data being collected for this study consists of responses from a select group of motor carriers on the most effective technologies, programs, and policies for achieving safe operations. The study does not attempt to conduct a full survey of the motor carrier population. Instead, it relies on expert opinion from carriers that are objectively determined to exhibit safe operations that exceed industry averages as indicated by driver out-of-service rates, vehicle out-of-service rates, and crash rates. To identify these carriers, the study will utilize existing data from the Motor Carrier Management Information System (MCMIS) database.

FMCSA will collect data through an electronic survey of motor carriers who have safety performance records that are better than national averages. Only those carriers that perform near the top quartile across all three carrier size categories

(large, medium, and small) are potential participants.

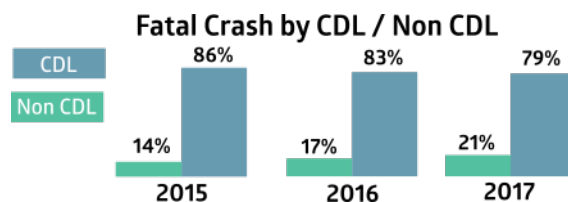
The results of the study will be documented in a technical report that will be delivered to and maintained by FMCSA. This report will be available to the public on the FMCSA website, at www.fmcsa.dot.gov. The contents of the technical report will be utilized in developing the report to Congress that FMCSA is required to provide pursuant to section 5222 of the FAST Act. This report is scheduled to be delivered in January, 2021.

FMCSA has not published any timeline on the events that will take place once the report is delivered to Congress. Most likely we are several years away from a proposed rule that the industry can review and comment on.

In a related matter, FMCSA continues to look into updating its Compliance, Safety, Accountability Program's safety measurement system with data obtained and analyzed using a methodology called "Item Response Theory." This method could do a better job of finding the trucking industry's at-risk motor carriers. The agency is not expected to finish an evaluation of the IRT model until later this year.

FMCSA Top 2020 Priority

The Federal Motor Carrier Safety Administration considers reducing large-truck fatalities to be a top priority for 2020. The entire agency has been tasked with finding ways to reverse an upward trend. The top driver-related factors in large-truck fatal crashes were speeding, distraction and failure to yield right-of-way. Keep in mind that the term "large-truck" covers any commercial motor vehicle with a GVWR over 10,000 pounds. Here's a breakdown between CDL and non-CDL trucks:



Jack Van Steenburg, FMCSA's chief safety officer, has explained that "For the next several months we at FMCSA are going to go out and talk with people. We're going to listen to people. We want to tell them what we're doing, ask how can we do it better, what can we do differently, and how can we do it differently to prevent these crashes from occurring." The agency hopes to answer these questions:

- Do we need to do more inspections?
- Do we need to do more safety investigations?
- Do we need to do more enforcement?
- Do we need to do more outreach?"

The agency also intends to talk with state officials where large-truck fatalities have declined, such as Pennsylvania, Georgia and California. Also, Van Steenburg stated that the notion that ELDs are causing truckers to speed more often is not accurate. "We really haven't seen any evidence of that," he said.

There has been some discussion lately about performing a new large truck crash

causation study. The last one was completed ten years ago and the data is “stale” and definitely needs to be updated. If done correctly this type of study could drill down to root causes and provide a framework to guide implementation of countermeasures. Unfortunately, even if approved, the final results of such a study are several years away.

Entry Level Driver Training Delayed

The Entry Level Driver Training Rule has been delayed for two years and is scheduled to become effective February 7th, 2022.

The delayed regulations would have implemented:

- Setting training standards at the federal rather than state level
- Training schools would be required to register and also self-certify instructors
- Instructors would be required to have a CDL with all endorsements to operate the vehicle for which training is provided, have two years of experience, and meet all state qualification requirements for an instructor.
- Thirty-one theory course topics compared to the four knowledge topics previously required. These course topics will be joined by 19 behind-the-wheel (BTW) skills now mandated and will be tested along with vehicle inspection skills at the state DMV.

Safety advocates have pushed for these regulatory changes for many years and the final regulations were the result of input from stakeholders including motor carriers and training schools. Why has FMCSA decided to push things back? The problem is systems related.

FMCSA needed more time for development of the Training Provider Registry which will allow training providers to self-certify that they meet the training requirements and will provide the electronic interface that will receive and store entry-level driver training certification information from training providers and transmit that information to the state driver licensing agencies. The extension also provides state licensing agencies with time to modify their information technology systems and procedures to accommodate their receipt of driver-specific ELDT data from the registry. This two year delay is in response to implementation delays not foreseen when FMCSA earlier proposed a partial delay of the rule.

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